

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DAVID B. NEWMAN and IRA F/B/O DAVID :  
NEWMAN-PERSHING LLC as Custodian, on behalf of : 08 Civ. 11215 (LBS)  
themselves and all Others Similarly Situated, and :  
Derivatively on behalf of FM LOW VOLATILITY FUND, :  
L.P., : ECF CASE  
Plaintiffs, :  
v. :  
FAMILY MANAGEMENT CORPORATION; :  
SEYMOUR W. ZISES; ANDREA L. TESSLER; :  
ANDOVER ASSOCIATES LLC I; ANDOVER :  
ASSOCIATES MANAGEMENT CORP.; BEACON :  
ASSOCIATES LLC I; BEACON ASSOCIATES :  
MANAGEMENT CORP.; JOEL DANZIGER; HARRIS :  
MARKHOFF; IVY ASSET MANAGEMENT CORP.; :  
THE BANK OF NEW YORK MELLON :  
CORPORATION; MAXAM CAPITAL MANAGEMENT :  
LLC; MAXAM CAPITAL GP, LLC; MAXAM CAPITAL :  
MANAGEMENT LIMITED; SANDRA MANZKE; and :  
JOHN DOES 1-100, :  
Defendants, :  
and FM LOW VOLATILITY FUND, L.P., :  
Nominal Defendant. :  
-----X

**CERTIFICATE OF SERVICE**

I, Kimberly A. Lynch, assistant managing clerk at Cleary Gottlieb Steen & Hamilton LLP, hereby certify that on December 17, 2010, a copy of the foregoing Ivy Asset Management LLC's And The Bank Of New York Mellon Corporation's Opposition To The Plaintiffs' Motion To Alter Or Amend The Judgment And For Leave To Amend The Complaint was served on the following counsel by electronic transmission through the Court's CM/ECF System:

<p><i>Attorneys for Lead Plaintiff David B. Newman and Plaintiff IRA f/b/o David Newman-Pershing LLC (Derivatively on behalf of FM Low Volatility Fund L.P. and as Custodian, on behalf of themselves and all others Similarly Situated)</i></p>	<p><b>Daniel W. Krasner</b> Wolf Haldenstein Adler Freeman &amp; Herz LLP 270 Madison Avenue New York, NY 10016 Email: krasner@whafh.com</p> <p><b>Demet Basar</b> Wolf Haldenstein Adler Freeman &amp; Herz 270 Madison Avenue New York, NY 10016 Email: basar@whafh.com</p> <p><b>Gregory Mark Nespole</b> Wolf Haldenstein Adler Freeman &amp; Herz LLP 270 Madison Avenue New York, NY 10017 Email: nespole@whafh.com</p> <p><b>Gustavo Fabian Bruckner</b> Wolf Haldenstein Adler Freeman &amp; Herz LLP 270 Madison Avenue New York, NY 10016 Email: Bruckner@whafh.com</p> <p><b>Kate Marietta McGuire</b> Wolf Haldenstein Adler Freeman &amp; Herz 270 Madison Ave. New York, NY 10016 Email: mcguire@whafh.com</p> <p><b>Stacey Theresa Kelly</b> Wolf Haldenstein Adler Freeman &amp; Herz 270 Madison Avenue New York, NY 10016 Email: SKELLY@WHAFH.COM</p>
<p><i>Attorneys for Defendants Family Management Corporation, Seymour W. Zises, Andrea L. Tessler</i></p>	<p><b>Andrew J. Levander</b> Dechert, LLP (NYC) 1095 Avenue of the Americas New York, NY 10036-6797 Email: andrew.levander@dechert.com</p> <p><b>Neil A. Steiner</b> Dechert, LLP (NYC) 1095 Avenue of the Americas New York, NY 10036-6797 Email: neil.steiner@dechert.com</p>

	<b>David Mark Bigge</b> Dechert, LLP (NYC) 1095 Avenue of the Americas New York, NY 10036-6797 Email: david.bigge@dechert.com
<i>Attorneys for Defendants Andover Associates LLC I and Beacon Associates LLC I</i>	<b>Arthur Glenn Jakoby</b> Herrick, Feinstein LLP 2 Park Avenue New York, NY 10016 Email: ajakoby@herrick.com
	<b>Aismara Janet Abreu</b> Herrick, Feinstein LLP 2 Park Avenue New York, NY 10016 Email: aabreu@herrick.com
<i>Attorneys for Defendant Beacon Associates Management Corp., Andover Associates Management Corp., Joel Danziger, and Harris Markhoff</i>	<b>Steven Michael Kaplan</b> Rosenfeld & Kaplan, LLP 535 Fifth Avenue New York, NY 10017 Email: steve@rosenfeldlaw.com
	<b>Tab Keith Rosenfeld</b> Rosenfeld & Kaplan, LLP 535 Fifth Avenue New York, NY 10017 Email: tab@rosenfeldlaw.com
<i>Attorneys for Defendants Maxam Absolute Return Fund, LP, Maxam Capital Management LLC, Maxam Capital GP, LLC, Maxam Capital Management Ltd., and Sandra Manzke,</i>	<b>Jonathan David Cogan</b> Kobre & Kim LLP 800 Third Avenue 6th Floor New York, NY 10022 Email: jonathan.cogan@kobrekim.com
	<b>Michael Sangyun Kim</b> Kobre & Kim LLP 800 Third Avenue 6th Floor New York, NY 10022 Email: michael.kim@kobrekim.com

	<p><b>Carrie Ann Tendler</b>  Kobre &amp; Kim LLP  800 Third Avenue  6th Floor  New York, NY 10022  Email: carrie.tendler@kobrekim.com</p> <p><b>Mathew Brehan West</b>  Wollmuth Maher &amp; Deutsch LLP  500 Fifth Avenue, Suite 1200  New York, NY 10110  Email: mwest@wmd-law.com</p>
<i>Attorneys for Nominal Defendant FM Low Volatility Fund, L.P.</i>	<p><b>Barry Richard Lax</b>  Lax &amp; Neville, LLP  1412 Broadway  Suite 1407  New York, NY 10018  Email: blax@laxneville.com</p> <p><b>Brian David Maddox</b>  Venable LLP (NYC)  1270 Ave of the Americas  New York, NY 10020  Email: bmaddox@laxneville.com</p> <p><b>Brian Joseph Neville</b>  Law Offices of Brian Neville  225 Broadway, Suite 1200  New York, NY 10007  Email: bnevile@laxneville.com</p>
<i>Attorney for Intervenor Charles J. Hecht</i>	<p><b>Daniel Tepper</b>  Hecht &amp; Associates, P.C.  275 Madison Avenue  New York, NY 11375  Email: tepper@whafh.com</p>

Dated: December 17, 2010

/s/ Kimberly A. Lynch  
Kimberly A. Lynch